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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,848

12/07/2005

Yuji Kawamori

OGW-0404

1936

7590 11/24/2008
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EXAMINER

SCHATZ, CHRISTOPHER T

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

11/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,848	Applicant(s) KAWAMORI, YUJI	
	Examiner CHRISTOPHER SCHATZ	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 and 6-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/7/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 2-4 and 6-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 14, 2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewitte et al. (US 4957572).

Dewitte discloses a method of manufacturing double glazing having glass plates 1, 2, a spacer 3 disposed between peripheries of the glass plates (figure 1), and an air tightly sealed air space surrounded by the spacer between the glass plates (column 4, lines 12-23), the method using a spacer forming device including an applicator head 12 (or 43) for applying a spacer forming material, and spacer forming material supply means 6 (or 30) having an extruding means that extrudes the spacer forming material while melting and mixing the material (material is extruded from source to displacement pump 8) (or material is extruded by extruder 37) and a fixed displacement pump 8 (or

Art Unit: 1791

44) for supplying the spacer forming material extruded from the extruding means to the applicator head, the method comprising the steps of: applying the spacer forming material from the applicator head along the periphery of an upper surface of one of the glass plates thereon to form the spacer; and attaching by press the other one of the glass plates to the spacer (column 3, line 67 – column 5, line 13).

Dewitte discloses that the spacer material is thermoplastic.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Applicant's Admitted Prior Art in view of either of Dewitte et al. or Trpkovski (US 2003/0101664).

The Applicant's Admitted Prior Art discloses a method of manufacturing double glazing having glass plates, a spacer disposed between peripheries of the glass plates, the method using a spacer forming device including an applicator head for applying a spacer forming material, and spacer forming material supply means having an extruding means that extrudes the spacer forming material while melting and mixing the material head, the method comprising the steps of: applying the spacer forming material from the applicator head along the periphery of an upper surface of one of the glass plates

Art Unit: 1791

thereon to form the spacer; and attaching by press the other one of the glass plates to the spacer (specification, section 4). It is noted that the disclosure in section 4 necessarily requires a material source and an applicator head because the material must come from a certain source and the material cannot be applied to the periphery of a glass substrate without an applicator head.

Applicant's Admitted Prior Art is silent as to a method of using a fixed displacement pump for supplying the spacer forming material from the extruding means to the applicator head. Dewitte discloses a method of forming a double glazing as discussed in section 3 above. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use a fixed displacement pump capable of supplying a spacer forming material from the extruding means to the applicator head in the method of Applicant's Admitted Prior Art as taught by Dewitte because doing so will form a spacer material of uniform, even thickness (Dewitt column 4, lines 26-37).

Additionally, Trpkovski discloses a method of forming a double glazed glass unit, a spacer 105 disposed between peripheries of the glass plates having a air tight sealed space between the glass plates, the method using a spacer forming device including an applicator head 90 for applying a spacer forming material, and spacer forming material supply means (section 58) having an extruding means that extrudes the spacer forming material while melting and mixing the material (section 58) and a fixed displacement pump (section 58) for supplying the spacer forming material extruded from the extruding means to the applicator head (section 59) wherein said spacer forming material is applied from the applicator head along the periphery of an upper surface of one of the

Art Unit: 1791

glass plates thereon to form the spacer (section 48-49, 54-59; figure 5). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to use a fixed displacement pump capable of supplying a spacer forming material from the extruding means to the application head in the method of Applicant's Admitted Prior Art as taught by Trpkovski because doing so will form a spacer material of uniform, even thickness Trpkovski, section 12).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER SCHATZ whose telephone number is 571-272-6038. The examiner can normally be reached on Monday through Friday 9 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1791

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER SCHATZ/
Examiner, Art Unit 1791

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791